

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: PALBOCICLIB PATENT
LITIGATION

MDL No. 19-2912 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

C.A. No. 20-1396 (CFC)

ZYDUS PHARMACEUTICALS
(USA) INC., ZYDUS WORLDWIDE
DMCC, and CADILA HEALTHCARE,
LTD,

Defendants.

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

C.A. No. 20-1407 (CFC)

SUN PHARMACEUTICAL
INDUSTRIES LTD, SUN PHARMA
GLOBAL FZA, and SUN
PHARMACEUTICAL INDUSTRIES,
INC.,

Defendants.

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

AUROBINDO PHARMA LTD.,
AUROBINDO PHARMA USA, INC.,
and EUGIA PHARMA SPECIALTIES
LTD.,

Defendants.

C.A. No. 20-1528 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

DR. REDDY'S LABORATORIES,
INC. and DR. REDDY'S
LABORATORIES, LTD.,

Defendants.

C.A. No. 20-1530 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

AIZANT DRUG RESEARCH
SOLUTIONS PVT. LTD. and MAKRO
TECHNOLOGIES, INC.,

Defendants.

C.A. No. 21-34 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

NATCO PHARMA INC. and NATCO
PHARMA, LTD.,

Defendants.

C.A. No. 21-78 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

MSN PHARMACEUTICALS INC.
and MSN LABORATORIES PRIVATE
LIMITED,

Defendants.

C.A. No. 21-139 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

SUN PHARMACEUTICAL
INDUSTRIES LTD, SUN PHARMA
GLOBAL FZA, and SUN
PHARMACEUTICAL INDUSTRIES,
INC.,

Defendants.

C.A. No. 21-285 (CFC)

PFIZER INC., WARNER-LAMBERT
COMPANY LLC, PF PRISM C.V.,
PFIZER MANUFACTURING
HOLDINGS LLC, and PF PRISM IMB
B.V.,

Plaintiffs,

v.

MYLAN PHARMACEUTICALS,
INC. and MYLAN INC.,

Defendants.

C.A. No. 21-839 (CFC)

JOINT CLAIM CONSTRUCTION CHART

Plaintiffs Pfizer Inc., Warner-Lambert Company LLC, PF PRISM C.V., Pfizer Manufacturing Holdings LLC, and PF PRISM IMB B.V. (collectively “Plaintiffs”) and the Defendants in the above-captioned Actions (collectively “Defendants”) respectfully submit this Joint Claim Construction Chart, attached hereto as Exhibit A, which provides Plaintiffs’ and Defendants’ proposed construction for the disputed claim term¹ in U.S. Patent No. 10,723,730 (“the ’730 patent”) and an identification of supporting intrinsic evidence.

¹ The parties agree that, consistent with the Court’s practice, any contention by Defendants that a claim is indefinite shall be resolved along with, and in the same manner as, the other validity issues in this case.

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July 30, 2021

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EXHIBIT A**U.S. Patent No. 10,723,730**

Claim Term and Applicable Claims	Plaintiffs' Proposed Construction and Intrinsic Evidence	Defendants' Proposed Construction and Intrinsic Evidence
<p>“a crystalline free base of 6-acetyl-8-cyclopentyl-5-methyl-2-(5-piperazin-1-yl-pyridine-2-ylamino)-8H-pyrido[2,3-d]pyrimidin-7-one”</p> <p>Claims 1–21</p>	<p>No construction necessary.</p>	<p>“a crystalline free base of 6-acetyl-8-cyclopentyl-5-methyl-2-(5-piperazin-1-yl-pyridin-2-ylamino)-8H-pyrido[2,3-d]pyrimidin-7-one, prior to formulation with any pharmaceutical carrier, diluent, or excipient”</p>
	<p>INTRINSIC EVIDENCE:</p> <p>’730 patent at Abstract, 1:15–24, 2:1–11, 3:24–35, 6:36–41, 6:45–58, 6:59–10:51, 20:46–24:64, 37:1–67, 38:1–39:22, 42:60–44:34.</p> <p>File History of the ’730 patent:</p> <ul style="list-style-type: none"> • Publication No. WO2014/128558 (<i>see</i> PFIZER_IBR_10000203 to PFIZER_IBR_10000263) • November 9, 2017 Preliminary Amendment (<i>see</i> 	<p>INTRINSIC EVIDENCE:</p> <p>’730 patent at 2:1-11; 6:42-58, 17:15-33, 19:30-64; 19:46-52; 19:60-64; 21:33-46; 22:42-23:48; 40:8-40.</p> <p>File history of the ’730 patent:</p> <ul style="list-style-type: none"> • Nov. 13, 2018 Amendment and Argument at 6-7. • Brian Chekal Declaration under 37 C.F.R. 1.132.

	<p>PFIZER_IBR_10000268 to PFIZER_IBR_10000273)</p> <ul style="list-style-type: none"> • June 13, 2018 Office Action (<i>see</i> PFIZER_IBR_10000280 to PFIZER_IBR_10000288) • November 13, 2018 Applicant Amendment and Response, including Declaration under 37 C.F.R. § 1.132 and associated exhibits (<i>see</i> PFIZER_IBR_10000296 to PFIZER_IBR_10000356; PFIZER_IBR_10000489 to PFIZER_IBR_10000494) • November 13, 2018 Information Disclosure Statement and Attachments (<i>see</i> PFIZER_IBR_10000359 to PFIZER_IBR_10000482) • March 6, 2019 Notice of Allowance (<i>see</i> PFIZER_IBR_10000496 to PFIZER_IBR_10000506) • April 11, 2019 Request for Continued Examination (<i>see</i> PFIZER_IBR_10000524 to PFIZER_IBR_10000529) • May 3, 2019 Notice of Allowance (<i>see</i> PFIZER_IBR_10000531 to PFIZER_IBR_10000541) 	
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	<ul style="list-style-type: none">• September 17, 2019 Petition under 37 CFR § 1.313(c) (<i>see</i> PFIZER_IBR_10000555 to PFIZER_IBR_10000556)• September 17, 2019 Request for Continued Examination, Information Disclosure Statement, and attachments (<i>see</i> PFIZER_IBR_10000557 to PFIZER_IBR_10001224)• March 18, 2020 Notice of Allowance (<i>see</i> PFIZER_IBR_10001244 to PFIZER_IBR_10001250)	
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